

## DECLARATION OF PAUL MASON

I, Paul Mason, declare as follows:

1. I am Chief Engineer for Automated Merchandising Systems Inc., 109 West Burr Boulevard, Kearneysville, West Virginia, 25430.
2. Attached hereto are Attachments A-D. These Attachments are four photos of a snack vending machine. I have personally examined this machine.
3. The machine indicates that it was manufactured by The Vendo Company.
4. On information and belief, the vending machine shown in Attachments A-D was sold and in public use in the United States prior to April 29, 1997.
5. Attachment A is a front perspective view of a lower portion of the vending machine. Attachment A shows five product hoppers at the top of the photo. Product can be vended from each of the hoppers, where it is thereafter directed by a narrowing delivery chute (in black), through a neck area (in galvanized metal) having a narrowing lead in portion and generally parallel end portion, to a delivery bin (not shown) in a door of the machine (partially seen on the right of Attachment A) for access by the customer. See also Attachment B which is a front elevational view of the lower portion of the machine.
6. An optical device is positioned on each side of the end portion of the neck area. See Attachment C which shows the optical device positioned on the right side of the end portion of the neck area (as viewed from the front of the machine) and Attachment D which shows the optical device positioned on the left side of the end portion of the neck area. Each optical device is the same, the only difference being that the two devices are

rotated 180° with respect to each other. Each device includes in sequence in a row, an optical emitter and two optical detectors. Since the two optical devices are rotated 180° with respect to one another, the optical emitter is positioned at the top of one of the optical devices and at the bottom of the other optical device. As is best seen in Attachments C and D, each side of the end portion of the neck area includes three openings in the metal positioned adjacent the respective emitters and detectors to allow light transmission.

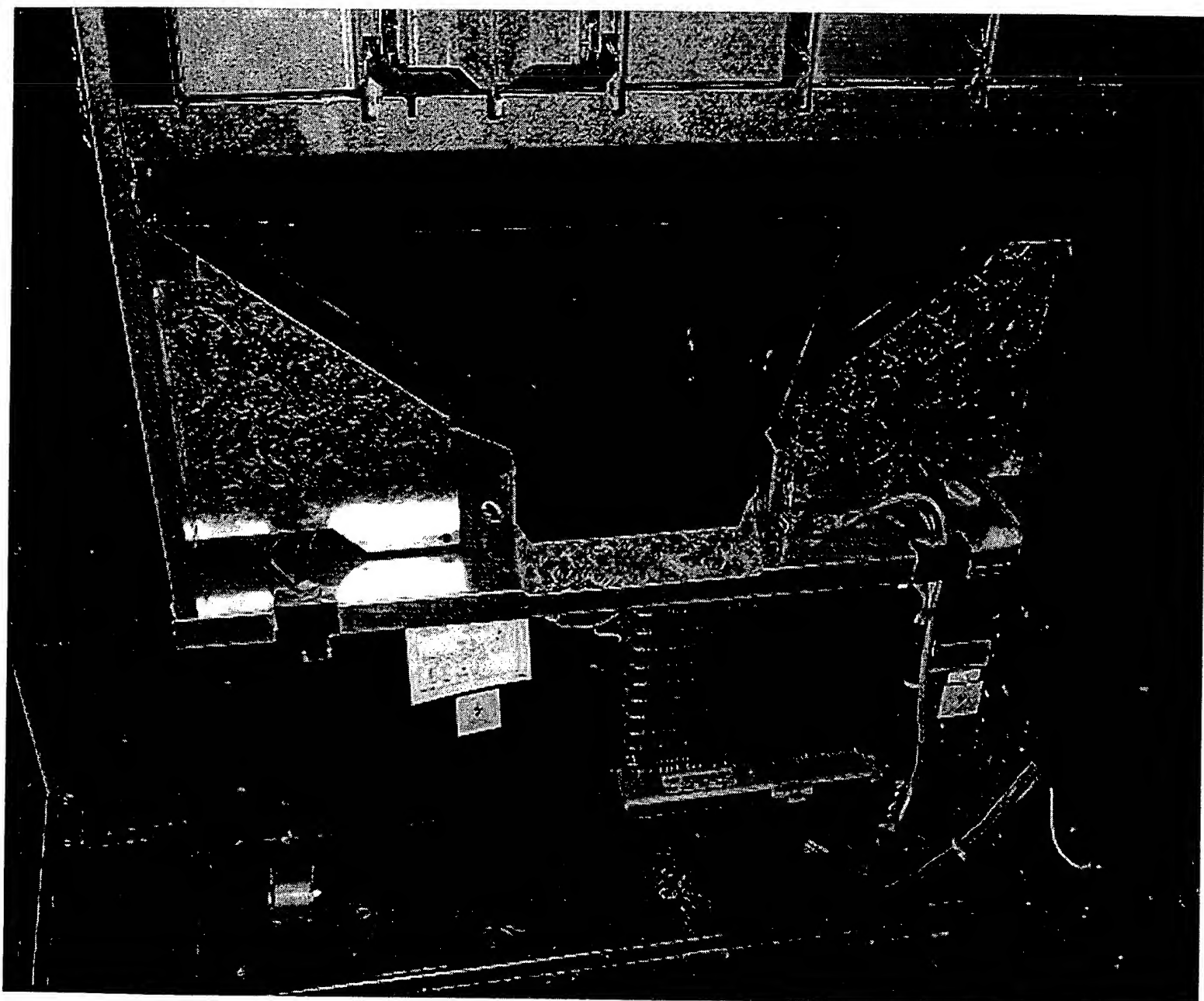
7. On information and belief, when in operation, the light emitted by each optical emitter is detected by the two optical detectors positioned on the other side of the neck area so that the vending machine can detect when a product has passed through the neck area into the delivery bin.

8. Attachment E, attached hereto, is a general sketch of a portion of the machine depicted in Attachments A-D.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Signed: Paul Mason

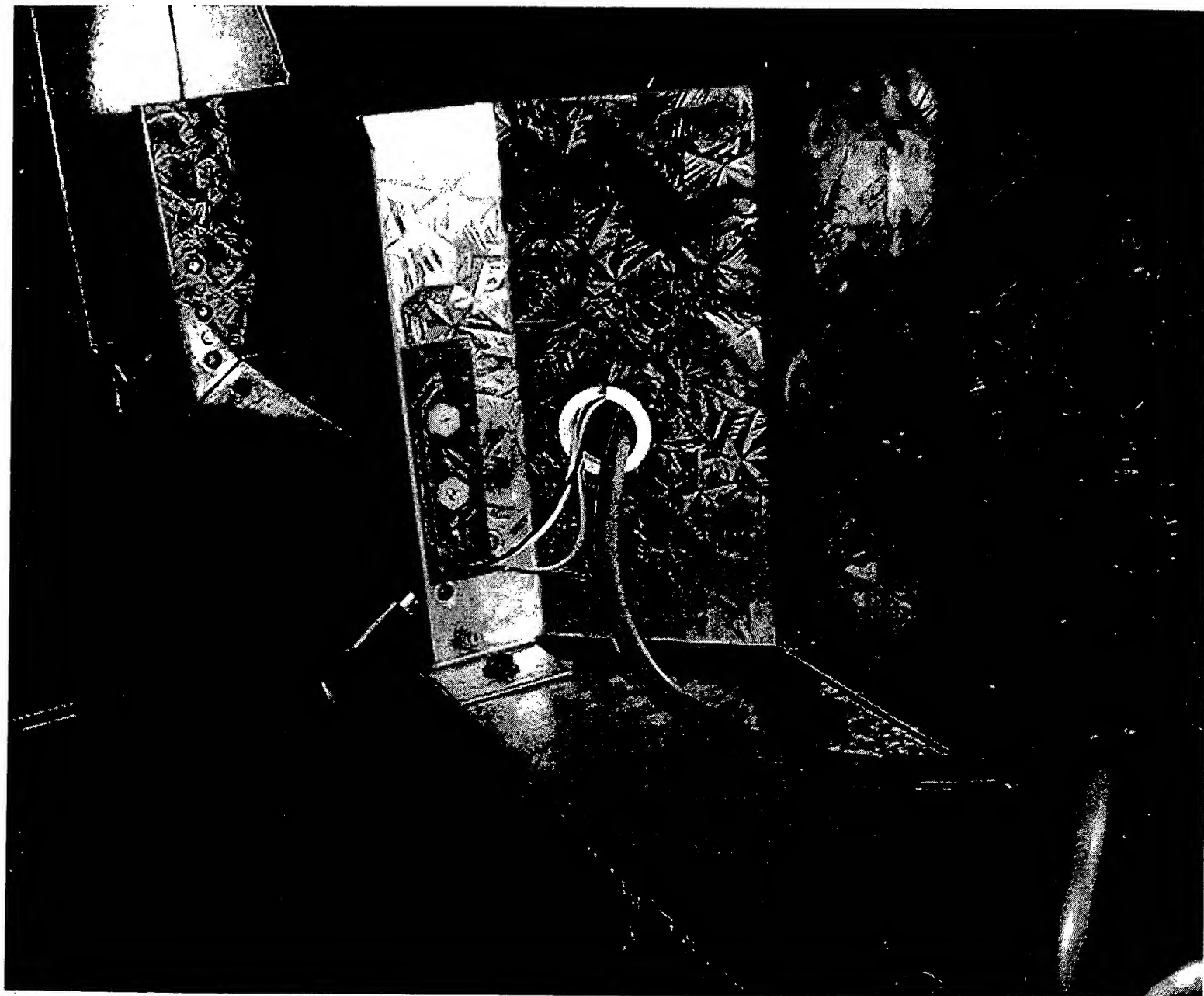
7/21/03  
Date



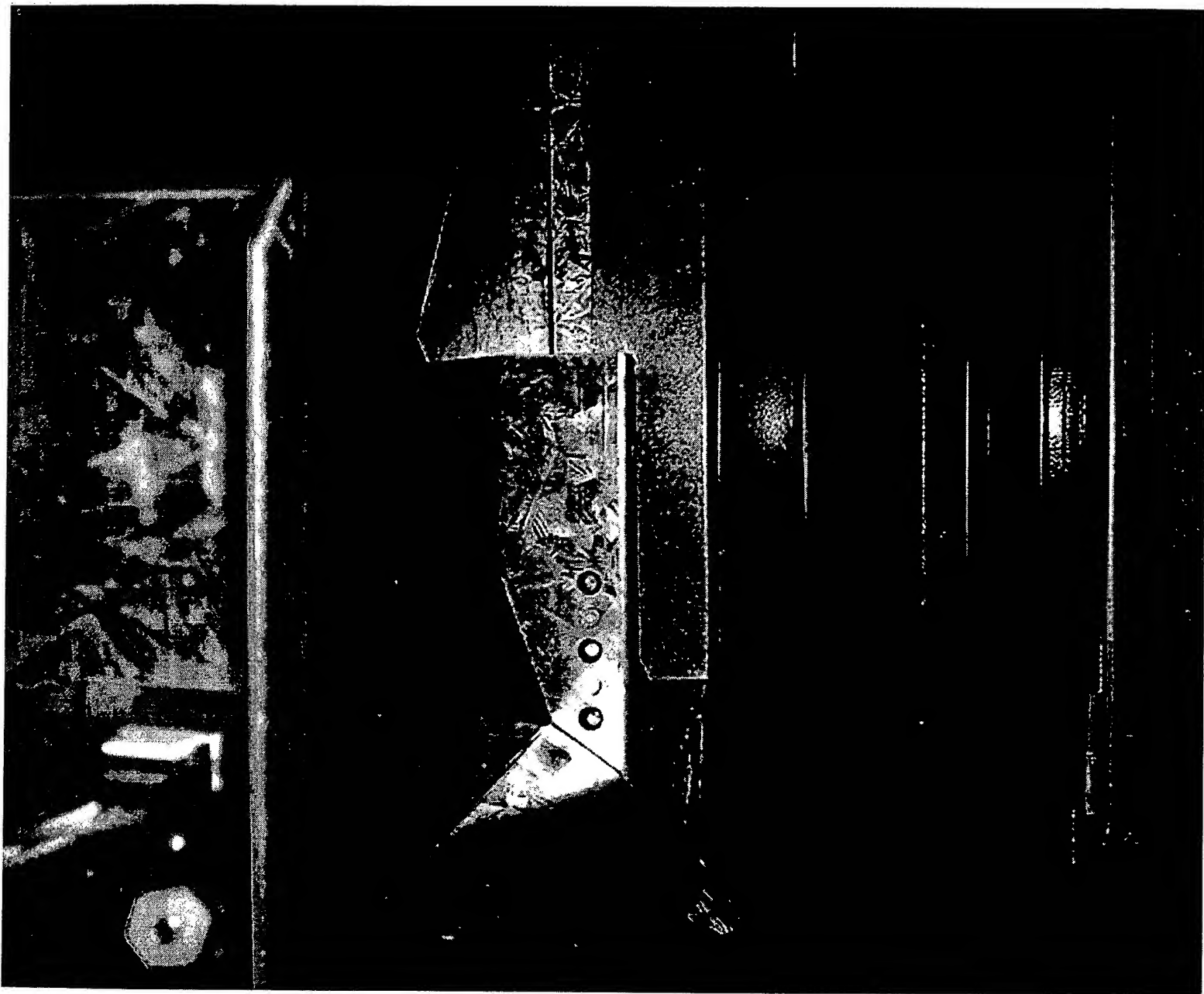
Attachment A



Attachment B



Attachment C

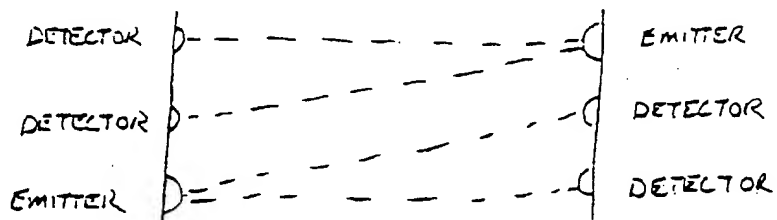
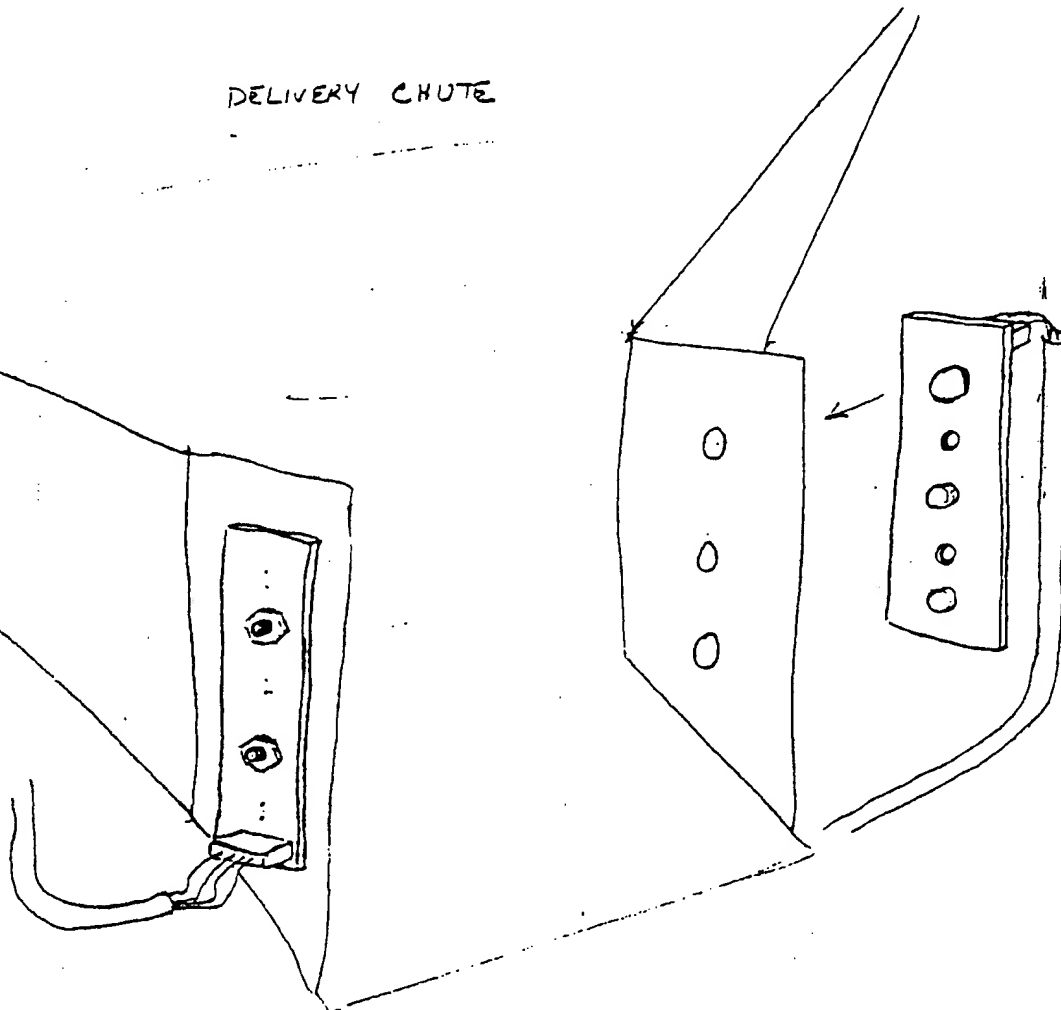


Attachment D

22-141 50 SHEETS  
 22-142 100 SHEETS  
 22-144 200 SHEETS



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Attachment E